



General Assembly

Substitute Bill No. 1109

January Session, 2015



AN ACT CONCERNING EXCESSIVE USE OF FORCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) Each police basic or
2 review training program conducted or administered by the Division of
3 State Police within the Department of Emergency Services and Public
4 Protection, the Police Officer Standards and Training Council
5 established under section 7-294b of the general statutes or a municipal
6 police department in the state shall include tactical training for police
7 officers regarding the use of deadly force, training in the use of body-
8 worn recording equipment and the retention of records created by
9 such equipment, and cultural competency and sensitivity training.

10 Sec. 2. (NEW) (*Effective October 1, 2015*) (a) Each police officer, as
11 defined in section 7-294a of the general statutes, shall wear body-worn
12 recording equipment in such manner and at such times as determined
13 by the Commissioner of Emergency Services and Public Protection, the
14 board of police commissioners, the chief of police, superintendent of
15 police or other authority having charge over such officer.

16 (b) Any image or video recorded on the equipment used pursuant
17 to subsection (a) of this section that is a public record or file, as defined
18 in section 1-200 of the general statutes, shall be disclosed in accordance
19 with the provisions of section 1-212 of the general statutes, subsection
20 (a) of section 1-210 of the general statutes and section 1-215 of the

21 general statutes, unless such record is exempt from disclosure
22 pursuant to the provisions of subdivision (3) of subsection (b) of
23 section 1-210 of the general statutes.

24 Sec. 3. (NEW) (*Effective October 1, 2015*) Not later than January 1,
25 2016, each law enforcement unit, as defined in section 7-294a of the
26 general statutes, shall develop and implement guidelines for the
27 recruitment and retention of minority police officers, as defined in
28 section 7-294a of the general statutes. Such guidelines shall consider
29 the racial and ethnic background of the community such unit serves
30 and contain policies to ensure that the unit makes efforts to recruit and
31 retain minority police officers so that the racial and ethnic background
32 of the unit closely resembles that of the community which it serves. For
33 purposes of this section, "minority" means an individual whose race is
34 defined as other than white, or whose ethnicity is defined as Hispanic
35 or Latino by the federal Office of Management and Budget for use by
36 the Bureau of Census of the United States Department of Commerce.

37 Sec. 4. Section 51-277a of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2015*):

39 (a) Whenever a peace officer, in the performance of his duties, uses
40 [deadly] physical force upon another person and such person dies as a
41 result thereof, the Division of Criminal Justice shall cause an
42 investigation to be made and shall have the responsibility of
43 determining whether the use of [deadly] physical force by the peace
44 officer was appropriate under section 53a-22. The division shall
45 request the appropriate law enforcement agency to provide such
46 assistance as is necessary to determine the circumstances of the
47 incident.

48 (b) In causing such an investigation to be made, the Chief State's
49 Attorney [may, as provided in section 51-281, designate a prosecutorial
50 official from a judicial district other than the judicial district in which
51 the incident occurred to conduct the investigation or may] shall, as
52 provided in subsection (a) of section 51-285, appoint a special assistant

53 state's attorney or special deputy assistant state's attorney to conduct
54 the investigation. [If the Chief State's Attorney designates a
55 prosecutorial official from another judicial district or appoints a special
56 prosecutor to conduct the investigation, the] The Chief State's Attorney
57 shall, upon the request of such [prosecutorial official or] special
58 prosecutor, appoint a special inspector or special inspectors to assist in
59 such investigation. [Any person may make a written request to the
60 Chief State's Attorney or the Criminal Justice Commission requesting
61 that the Chief State's Attorney so designate a prosecutorial official
62 from another judicial district or appoint a special prosecutor to
63 conduct the investigation.]

64 (c) Upon the conclusion of the investigation of the incident, the
65 division shall file a report with the Chief State's Attorney which shall
66 contain the following: (1) The circumstances of the incident, (2) a
67 determination of whether the use of [deadly] physical force by the
68 peace officer was appropriate under section 53a-22, and (3) any future
69 action to be taken by the Division of Criminal Justice as a result of the
70 incident. The Chief State's Attorney shall provide a copy of the report
71 to the chief executive officer of the municipality in which the incident
72 occurred and to the Commissioner of Emergency Services and Public
73 Protection or the chief of police of such municipality, as the case may
74 be.

75 Sec. 5. (NEW) (*Effective October 1, 2015*) Each law enforcement unit,
76 as defined in section 7-294a of the general statutes, shall record and
77 maintain any information detailing any incident during which a
78 firearm of a police officer, as defined in section 7-294a of the general
79 statutes, is discharged, including whether a death resulted from such
80 discharge.

81 Sec. 6. (NEW) (*Effective October 1, 2015*) (a) No law enforcement unit,
82 as defined in section 7-294a of the general statutes, shall hire any
83 person as a police officer, as defined in said section 7-294a, who was
84 previously employed as a police officer by such unit or in any other
85 jurisdiction and who was dismissed for misconduct or who, while

86 under investigation for misconduct, resigned or retired from such
87 officer's position.

88 (b) Any law enforcement unit that has knowledge that any former
89 police officer of such unit who was dismissed for misconduct or who,
90 while under investigation for misconduct, resigned or retired from
91 such officer's position, is an applicant for the position of police officer
92 with any other unit, shall inform such other unit of such dismissal,
93 resignation or retirement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	New section
Sec. 3	<i>October 1, 2015</i>	New section
Sec. 4	<i>October 1, 2015</i>	51-277a
Sec. 5	<i>October 1, 2015</i>	New section
Sec. 6	<i>October 1, 2015</i>	New section

Statement of Legislative Commissioners:

Effective date in section 2 was changed for consistency.

JUD *Joint Favorable Subst. -LCO*